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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 002150

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [OSCE](#) [TU](#)
SUBJECT: TURKEY: COUNCIL OF EUROPE INVESTIGATES CRACKDOWN
ON CITY'S USE OF KURDISH

REF: A. ANKARA 28

[1](#)B. ANKARA 470

Classified By: A/Political Counselor Kelly Degnan for reasons 1.4(b),(d)
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1.(C) Summary: A Council of Europe (COE) delegation visited Turkey August 8-10 to investigate the June 14, 2007 dissolution of Diyarbakir Province's Sur Municipal Council, and the surge in legal cases against mayors from the Democratic Society Party (DTP) (reftels). The delegation found that the GOT arbitrarily applied Turkey's Law on Municipalities, and concluded that GOT policy strictly limiting use of Kurdish increases tension in southeastern Turkey. More liberal language rights would be key to solving the Kurdish problem, according to the delegation, but would not occur without a sweeping change in the conservative mindset of much of the bureaucracy. Although COE and other Western advocacy may provide some impetus to ease restrictions, the ruling Justice and Development Party (AKP) is likely to proceed carefully, given the new parliament's composition and expected opposition from nationalist sectors. End summary.

Sur Municipality Dissolved for Using non-Turkish Languages

2.(SBU) In October 2006, the 17-member Sur Municipal Council decided to provide municipal services in a number of non-Turkish languages, including Kurdish. Several other DTP mayors, including Diyarbakir Mayor Osman Baydemir, had taken similar actions in late 2006. On June 14, 2007, acting on an application by the Ministry of Interior, a Council of State administrative court removed Sur's mayor and dissolved the Sur Municipal Council pursuant to Article 30 of the Law on Municipalities (prohibiting councils from engaging in "political acts" outside their statutory powers). The court appointed a deputy governor to carry out municipal duties pending October elections for a new council. The DTP unsuccessfully appealed on behalf of the dismissed council members, and now plans to file in the European Court of Human Rights (ECHR).

3.(SBU) Reflecting a recent surge in prosecutions against the use of Kurdish by public officials (reftels), the Diyarbakir Public Prosecutor filed charges on July 31 against Sur Mayor

Demirbas, the 17 dismissed Council members, and Diyarbakir Mayor Osman Baydemir, for misusing their authority and violating the Law on Turkish Letters by providing municipal service in non-Turkish languages. The trial is scheduled to begin in November. If convicted, the defendants face potential prison sentences from one to three years. Mayor Demirbas has been investigated on prior occasions for carrying out public campaigns in Kurdish and Turkish, including a campaign to promote organ donation.

Entrenched Attitudes an Obstacle to Change

4.(SBU) COE delegation head Anders Knappe told us that his group concluded the Interior Ministry and Council of State had arbitrarily applied the Law on Municipalities by disbanding the Sur Municipal Council but not others with similar policies. The delegation believed Sur was singled out because Mayor Demirbas defied previous MOI warnings. The delegation also concluded the GOT's policy of strictly limiting the use of Kurdish language was an important factor behind many of the problems in the Southeast, particularly the low education level of women.

5.(C) Ankara authorities' resistance to change is the biggest obstacle to liberalization, according to Knappe. MOI officials' used "strange" reasoning to justify dissolving the council, he said; MOI Deputy Undersecretary Sarbak told him that use of "internationally recognized languages" were permitted, while the use of Kurdish was a political act that jeopardized the unity of the state. (Knappe explained that the delegation could not obtain meetings with higher-level officials because Turkey's government is in flux.) In

ANKARA 00002150 002 OF 002

contrast, the delegation found the central government-appointed Diyarbakir Governor and Sub-Governor refreshingly open-minded, Knappe said. Both expressed their "personal view" that dissolution of the Sur Municipal Council was overly dramatic and not constructive. Knappe contends change cannot occur without a major attitude shift in the Ankara-based bureaucracy.

6.(C) The delegation plans to submit a report to the COE September Congress that is highly critical of the GOT's actions, Knappe said. Officials from EU Commission's Delegation to Turkey told us they would consider the information for use in preparing their annual progress report through October 5.

7.(C) Comment: The COE delegation's conclusions throw a spotlight on one of the thorny Kurdish issues that will require AKP to delicately balance increasing its southeastern voter base with the risk of inflaming nationalist forces in the judiciary, bureaucracy, and military. Although Western advocacy may provide some impetus to ease restrictions, AKP is likely to proceed carefully given the new mix in parliament, which includes both pro-Kurdish and nationalist elements. End comment.

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